



121 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

RSA-3007-2025 (O&M)
Date of Decision:09.02.2026

DAKSHIN HARYANA BIJLI VITRAN NIGAM AND ANOTHER
...Petitioners

Vs.

MALHA RAM KHEKHARIA ...Respondent

CORAM:- HON'BLE MR. JUSTICE VIRINDER AGGARWAL

Present: Mr. Shubham Chauhan, Advocate for the appellants.

VIRINDER AGGARWAL, J. (Oral)

CM-10645-C-2025

The present application has been for grant of leave under Rule 3/A(I) of Chapter VI, Part B, Vol V of Punjab and Haryana High Court Rule and Order for exemption for filing.

For the reasons mentioned in the application, duly supported by an affidavit of the counsel, CM is allowed as prayed for.

CM-10646-C-2025

The present application has been filed under Section 151 CPC for exemption from filing the true copies/certified copies of the attached judgments/grounds of appeal/ documents.

For the reasons mentioned in the application, duly supported by an affidavit of the appellants, CM is allowed as prayed for.

RSA-3007-2025

1. The appellants have filed the present regular second appeal against the concurrent judgments of the Courts below whereby the suit filed by respondent/plaintiff has been decreed and the bill issued by the appellant has been declared illegal, null and void.



2. Briefly stated, the respondent/plaintiff, being a licensee of the appellants/defendants, had an electricity meter bearing Account No. 121561DUPL180001 (later changed to New Account No. 8279660000), which was installed in the name of his son, Haripal, who resides abroad. The respondent/plaintiff was regularly paying all bills issued by the appellants/defendants without any dispute. In the year 2010, the electricity meters were replaced, and new meters were installed outside the houses for more convenient reading and billing. Following the installation of the new meters, the appellants/defendants began issuing electricity bills on an average consumption basis, which the respondent/plaintiff continued to pay regularly and without objection. However, unexpectedly, the appellants/defendants issued the impugned bill for Rs. 1,65,024/-, claiming recovery of an alleged arrear. The respondent/plaintiff immediately approached the appellants/defendants for a correction of the bill, pointing out discrepancies and requesting adjustment, but the appellants/defendants failed to take any corrective action. Hence, the suit.

3. The suit was contested by the appellants/defendants on the ground that the impugned bill was issued after careful calculation based on the readings of the old meter, and, therefore, they were entitled to recover the alleged amount. Upon considering the pleadings of both parties, the Court framed the necessary issues for adjudication. Both parties were granted ample opportunities to lead evidence and present their respective cases. After a thorough examination of the evidence and hearing the arguments, the Court decreed the suit in favor of the respondent/plaintiff. The Court held that the impugned bill was illegal, null, and void. Further, the defendants were restrained from disconnecting the electricity supply on account of non-payment of the said bill. The appellants/defendants were also restrained from taking any steps to recover the disputed amount, thereby



protecting the respondent/plaintiff from any coercive or punitive measures in relation to the allegedly erroneous demand.

4. Aggrieved by the judgment and decree passed by the learned Trial Court, the appellants/defendants preferred an appeal before the First Appellate Court. After considering the submissions and examining the record, the First Appellate Court, by its judgment and decree dated 30.04.2025, dismissed the appeal and upheld the judgment and decree of the Trial Court in its entirety. Being dissatisfied with the concurrent findings of fact and law recorded by both the Trial Court and the First Appellate Court, the appellants/defendants have filed the present appeal.

5. I have heard counsel for the appellant and have gone through the file carefully.

6. Learned counsel for the appellants/defendants submitted that both the Courts below committed manifest illegality in upholding the impugned bill. It was argued that the electricity meter in question was never actually tested or verified by the M&T Lab, and that the impugned bill was issued solely on the basis of the meter reading recorded at the time of its removal. Despite this, both the Trial Court and the First Appellate Court assumed, without any evidence, that the meter had been tested at the M&T Lab, and that the requisite checking had been conducted without issuing any notice to the respondent/plaintiff, thereby violating the mandatory procedural requirements laid down for testing and verification of meters.

7. I find no merit in the contention advanced by the learned counsel for the appellants/defendants. The appellants/defendants have failed to point out any specific pleadings in which it was alleged that the impugned bill was issued solely on the basis of the meter reading recorded at the time of its removal, or that such



reading was communicated to the respondent/plaintiff. On the contrary, the learned Trial Court has categorically recorded that the defendants claimed that the consumer units were tested when the old meter was checked at the M&T Lab, and not merely on the basis of the readings at the time of removal. Both the Courts below have carefully examined the record and rightly concluded that there is no material on record to show that any notice was issued to the respondent/plaintiff calling for his presence at the time of the meter verification. There is also no evidence to indicate that the meter was checked at the M&T Lab in accordance with the prescribed procedure, including sealing and packing at the time of removal, and following the statutory safeguards.

8. In light of these facts, it is evident that the findings recorded by both the Trial Court and the First Appellate Court are based on proper appreciation of evidence and adherence to due process. The Courts below have therefore correctly upheld the respondent/plaintiff's rights and the impugned bill has been rightly declared illegal, null, and void. Consequently, there is no justification for interference with the concurrent findings of fact and law recorded by the Courts below and the appeal is dismissed.

(VIRINDER AGGARWAL)
JUDGE

09.02.2026

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Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No